

# Constipation Cured

Those who have used balls, castor oil, and the many home and manufactured purgatives, know there is in such treatment there is no possibility of cure from constipation. These remedies are at most physicians and do absolutely no good. In fact they frequently provoke piles, flatulency, female disorders and many cases of appendicitis are traceable to their use. Soon the ordinary doses of these purgatives have to have any effect upon the bowels.

There never was a case of temporary or obstinate constipation that

## Mull's Grape Tonic

would not cure. First, Mull's Grape Tonic is unlike any other treatment for constipation. It is the greatest and most positive laxative known. But that isn't what cures it. It is the tonic properties of the grape and other fruits which strengthen the worn-out muscles of the intestinal tract. Mull's Grape Tonic builds flesh, makes strength and creates rich blood. Mull's Grape Tonic is the finest thing ever known for constipation. It is guaranteed to cure you. Large sample bottle sent free to any address on receipt of 10 cents for postage by Lightning Medicine Co., Rock Island, Ill. Send your drugist's name. All druggists sell Mull's Grape Tonic at 10 cents a bottle.

FOR SALE IN RICHMOND BY OWENS & MINOR.

# THE CITY LOSES CASE

Verdict for Damages for Robt. Leo Smith.

WAS HURT IN A CAKE-WALK

Stand Collapsed During the Carnival in May, 1890, and the Boy Had Leg Broken—Why City is Liable.

Other Decisions.

Judge George M. Harrison, in the Court of Appeals, yesterday wrote the opinion affirming the judgment of the Law and Equity Court of Richmond in the case of the city of Richmond vs. Smith.

This was a case growing out of an accident at a stand erected on Broad Street for the carnival of 1890.

Free shows were given on Broad Street, and for this purpose there had to be erected various stands. At one of these Robert Leo Smith, a boy between twelve and thirteen years of age, was injured. A portion of the stand collapsed, and Smith had one of his legs broken.

Suit for damages was instituted against the city of Richmond and the Carnival Association.

The Law and Equity Court awarded damages in the sum of \$100, from which judgment the city of Richmond took an appeal.

The city having granted the Carnival Association the rights and privileges to hold the carnival and to erect certain stands in the city, the city is held liable for the damages awarded.

Judge Harrison said: "It was the duty of the city to abate the nuisance and keep the streets free from obstructions. Its failure to do so, by the laying of a sidewalk of a commissioner in granting the permit cannot be less than the sin of omission in failing to discharge its duty."

Judgment Affirmed.

City of Roanoke vs. Bolling. Circuit Court of Roanoke city. Opinion by Judge R. H. Cardwell.

It appears that Bartlett Bolling is the owner in fee of certain land now in Roanoke city; that in 1888 he built a wooden building thereon which was used for the purposes of a livery stable; at the time it was erected it was situated outside the city limits, but by an ordinance of the city in the year 1896 it was brought within its limits. On the 2nd day of December, 1896, it was injured by fire. The appellee applied to the city through its engineer for a permit to repair it. The permit was refused, and the building has since remained in ruins.

Dr. Joseph W. Southall, Superintendent of Public Instruction, returned to the city yesterday afternoon, where he has been detained for a week on account of sickness in his family.

He came to be present at a meeting of the Board of the State Normal last night.

# THE GOVERNOR'S ABSENCE FELT

Visitors Were Few and Only Routine Business Done.

Applications.

The absence of the Governor, now in Montgomery, took some of the life out of the upstairs of the Capitol yesterday. Messrs. Ritchie and Dicker, the right hand men of His Excellency, were in the Executive office during the regular office hours, but callers were few.

Commissioner of Labor Doherty is still "under the weather" with a touch of the grip.

Mr. Hinkins, secretary to the Secretary of the Commonwealth, spent the day hammering away at his routine work.

Over in the Library building the State officials were little disturbed by visitors or volcanic eruptions of any sort calculated to get the various departments in the headlines of the newspapers.

The Commissioner of Agriculture Koelner is still receiving applications from persons who want to be appointed assistants to the Exposition Commissioners. But no more appointments will be made for some time.

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TAKE OUT 'PHONES

BY MARCH FIRST

President Maupin, of the Richmond Telephone Company, stated yesterday afternoon that letters were mailed out in a few days to the subscribers of the company notifying them that their service would be discontinued by the first of March. The Seventh-Street exchange will be closed down upon this date, after which time only one telephone company in operation.

The work of consolidating the two companies will be gradual to a certain extent, and will be removed daily, so that when the exchange is finally closed no one will be greatly inconvenienced.

This Case Reversed.

Consumers' Brewing Company vs. city of Norfolk. Opinion by Whittle, J.

This is a writ of error to a judgment of the Circuit Court of the city of Norfolk affirming a judgment of the city of Norfolk that of city imposing a fine of \$30 and costs upon plaintiff in error the Consumers Brewing Company, for an alleged violation of a city ordinance.

The warrant charging plaintiff in error with carrying on the business of a manufacturer of malt liquors in the city of Norfolk, where the facts agreed show, that the company manufactured beer at its brewery beyond the city limits in the county of Norfolk, and sold a part of its products to customers in the city. In other words, under a warrant for manufacturing beer within the city limits without a license, the company has been convicted of selling beer within the city limits without a license.

The company is manufacturing an article which is essentially different from that of selling the article after it has been manufactured. The opinion says: "It is a general rule of pleading and evidence that the allegations and proofs must correspond, and a reasonable observation of that rule is indispensable to the due and safe administration of justice."

The court holds that the variance between the offense charged and that provided is too material to warrant the court in upholding the judgment complained of, and that the Circuit Court is reversed and annulled.

Remanded to Lower Court.

In the case of Gannell's administrator vs. Dixon's administrator, on appeal from the Circuit Court of Campbell county, the judgment was reversed and the cause remanded for further proceedings. Judge Buchanan wrote the opinion. This was a case growing out of the sale of a tract of land and was without general interest to the public.

Cases Argued.

Street's administrator vs. Norfolk and Western Railway Company. Argued by Theo. A. Williams for appellant and Robert M. Hughes for appellee, and submitted.

Davis vs. Davis and others. Argued by A. P. Percy for appellee, and submitted. Lefkovich vs. Wells. Argued by Leon Goodman for appellant and John H. Christian for appellee, and continued until to-day.

The next cases to be called are Council of Farmville vs. Walker and Myers & Miller vs. City of Newport News—Nos. 54 and 55.

Summary of Opinions.

Judge R. H. Cardwell: City of Roanoke vs. Bolling et al. Circuit Court of Roanoke city. Affirmed.

Judge John A. Buchanan: Gannell's administrator vs. Dixon's administrator. Circuit Court of Campbell county. Reversed.

Judge George M. Harrison: City of Richmond vs. Smith. Law and Equity Court of Richmond. Affirmed.

Judge S. B. Whittle: Consumers' Brewing Company vs. city of Norfolk. Circuit Court of Norfolk. Reversed.

Whitehall Company vs. Hall, Circuit Court of Buckingham county. Appeal and supersedeas. Bond \$4,500.

Mr. Tatam Belter.

The condition of Mr. W. H. Tatam, who has been confined to his home at No. 84 1-2 East Marshall Street for several days, was much improved last night.



**GOOD LUCK**  
INTRINSIC MERIT 'at a JUST and EQUITABLE PRICE has thoroughly ingrained "GOOD LUCK" Baking Powder in the affections of the people. Millions of housewives use no other kind. In the South and Southwest (the demand for all other brands combined falls below the sales of "GOOD LUCK").

Manufactured by

The Southern Manufacturing Co.,

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**ALCALIN**, A Soluble Tooth Powder. Preservative, antiseptic, refreshing, or gritty substance. Sold in 25c. bottles. It is the purest and most effective.

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AN ORDINANCE

(Approved January 29, 1903.)  
GRANTING PERMISSION TO THE RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD COMPANY TO CONSTRUCT AND OPERATE A SPUR TRACK OR SIDING FROM THEIR TRACKS WEST OF THE CITY OF RICHMOND, VIRGINIA, AND INTO THE YARD OF MESSRS. S. H. COTTELL & SON.

Be it ordained by the Council of the City of Richmond, Virginia, that the permission is hereby granted the Richmond, Fredericksburg and Potomac Railroad Company (a trunk railway) to construct and operate a spur track or siding from their tracks west of the city of Richmond, Virginia, and into the yard of Messrs. S. H. Cottrell & Son, in accordance with map on file in the office of the City Engineer.

2. The said railroad company shall replace and repair so much of said streets as may be damaged by the laying of said track, and keep the same in proper repair; and whenever the city engineer shall deem it necessary to lay down or remove any track, the city engineer shall be authorized to do so, and the said railroad company shall be bound to comply with the same.

3. The said railroad company shall be bound to replace and repair so much of said streets as may be damaged by the laying of said track, and keep the same in proper repair; and whenever the city engineer shall deem it necessary to lay down or remove any track, the city engineer shall be authorized to do so, and the said railroad company shall be bound to comply with the same.

4. The said track, as to location, grade, and construction, shall be subject to the approval of the City Engineer.

5. The permission hereby granted shall at all times be subject to any amendment or revocation by the City Council, and the said railroad company shall be bound to comply with the same.

6. The said railroad company shall be bound to replace and repair so much of said streets as may be damaged by the laying of said track, and keep the same in proper repair; and whenever the city engineer shall deem it necessary to lay down or remove any track, the city engineer shall be authorized to do so, and the said railroad company shall be bound to comply with the same.

7. The said railroad company shall be bound to replace and repair so much of said streets as may be damaged by the laying of said track, and keep the same in proper repair; and whenever the city engineer shall deem it necessary to lay down or remove any track, the city engineer shall be authorized to do so, and the said railroad company shall be bound to comply with the same.

8. For a failure to conform fully to the provisions of this ordinance, or any amendment or revocation thereof, the said railroad company shall be liable to a fine of \$100, to be imposed by the City Council, and the said fine shall be a separate offense.

9. This ordinance shall be in force from its passage.

BEN T. AUGUST, City Clerk.

AN ORDINANCE

(Approved January 29, 1903.)  
RELIEVING THE SOUTHERN RAILWAY COMPANY FROM THE REQUIREMENT TO PAVE BETWEEN THE CITY OF RICHMOND, VIRGINIA, AND FOR TWO FEET ON EACH SIDE OF THEIR TRACK ON DOCK STREET TO THE UPPER GAS WORKS.

Be it ordained by the Council of the City of Richmond, Virginia, that the Southern Railway Company be and they are hereby relieved from the requirement to pave between the city of Richmond, Virginia, and for two feet on each side of their track on Dock Street to the upper gas works.

3. Upon any amendment or revocation thereof the Southern Railway Company, its successors or assigns shall be bound to immediately conform to such amendment or revocation. For a failure to do so the Southern Railway Company, its successors or assigns shall be liable to a fine of \$100, to be imposed by the City Council, and the said fine shall be a separate offense.

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HOTELS.

NEW YORK CITY.

WESTMINSTER HOTEL

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T. Thompson, Manager.

MEETINGS.

THE REGULAR ANNUAL MEETING of the Stockholders of the R. F. JOHNSON PUBLISHING COMPANY, will be held at the office of the company in the city of Richmond, Va., FEBRUARY 1, 1903, at 4 o'clock P. M.

EDWARD L. DODD, President.

FOR SALE.

ALBEMARLE COUNTY PROPERTY, BETWEEN AFTON AND GREENWOOD. TWO SMALL FARMS, WITH GOOD BUILDINGS, Shade, Water and Pasture; suitable for summer homes, farming or fruit growing. One farm, with 100 acres, including a large orchard, with young promising orchard, close to Afton, would be a fine place to live or to invest. The other farm, with 100 acres, including a large orchard, with young promising orchard, close to Afton, would be a fine place to live or to invest. Address: W. M. S. RODES, Afton, Va., C. and O. R. Y.

Monument Avenue Lot

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Near Meadow Street. 80x150 feet to 20 foot alley.

A bargain. \$75.00 per foot. McVEIGH & GLINN.

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